

Allen Owen, Mayor  
Eunice Reiter, Mayor Pro Tem  
Jerry Wyatt, Councilmember  
Barbara Gibson, Councilmember



Buddy Jimerson, Councilmember  
Brett Kolaja, Councilmember  
Cynthia Gary, Councilmember  
Caroline Kelley, City Attorney  
Frank Simpson, City Manager  
Patrice Fogarty, City Secretary

## CITY COUNCIL SPECIAL MEETING AGENDA

Notice is hereby given of a Special Meeting of the City Council to be held on **Monday, January 5, 2009**, at **5:45 p.m.** at: **City Hall; 2<sup>nd</sup> Floor Conference Room behind the Council Chambers**, 1522 Texas Parkway, Missouri City, Texas, for the purpose of considering the items listed below. All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

**1. CALL TO ORDER**

**2. DISCUSSION/POSSIBLE ACTION**

- (a) Presentation from Chris Casey, Pierce Goodwin Alexander & Linville, of the concept plan for City Hall Phase I renovations.
- (b) Consider and discuss the schedule of fees pertaining to the Quail Valley Golf Course and related facilities.
- (c) Consider and discuss the Charter Review Commission's Final Report and consider authorizing any actions related thereto.

**3. CLOSED EXECUTIVE SESSION**

*The City Council may go into Executive Session regarding any item posted on the Agenda as authorized by Chapter 551 of the Texas Government Code.*

**4. CONVENE INTO OPEN SESSION – Take action, if necessary.**

**5. ADJOURN**

In compliance with the Americans With Disabilities Act, the City of Missouri City will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 24 hours prior to the meetings. Please contact Patrice Fogarty, City Secretary, at 281-403-8685.

### CERTIFICATION

I certify that a copy of the January 5, 2009, agenda of items to be considered by the City Council was posted on the City Hall bulletin board on December 31, 2008 at 4:00 p.m.

  
\_\_\_\_\_  
Maria Gonzalez, Deputy City Secretary

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Title: \_\_\_\_\_



**Special City Council Agenda Item  
January 5, 2009**

**2. DISCUSSION/POSSIBLE ACTION**

- (b) Consider and discuss the schedule of fees pertaining to the Quail Valley Golf Course and related facilities.

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*Background information can be found as agenda item 11b in the Regular City Council agenda packet for January 5, 2009.*



**Special City Council Agenda Item  
January 5, 2009**

**2. DISCUSSION/POSSIBLE ACTION**

- (c) Consider and discuss the Charter Review Commission's Final Report and consider authorizing any actions related thereto.

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Background information attached as follows:

Cover Memo



**Special City Council Agenda Item Cover Memo  
January 5, 2009**

**To:** Mayor and City Council  
**Agenda Item:** 2c Charter Review Commission Final Report  
**Submitted by:** Caroline Kelley, City Attorney *CHK*

**SYNOPSIS**

Attached is the Final Report of the 2008 Charter Review Commission for City Council's consideration.

**BACKGROUND**

On July 7, 2008, the City Council appointed Joe Workman, Carl Bowles, Albert Glover, Roger Morris and Scott Moseley to serve as the 2008 Charter Review Commission. The Commission met on multiple occasions to consider various amendments relating to the City's Charter. The public was afforded the opportunity to provide input to the process. The Commission's recommendations are contained in its Final Report attached hereto.

The Charter requires the Council to consider the recommendations of the Commission. After consideration of the recommendations, Council may submit amendments to the Charter to the voters of the City in a Charter Election.

**FISCAL ANALYSIS**

The majority of the recommendations of the Commission will have no fiscal impact on the City. If the recommendation to change Mayor and Council terms of office from two years to three years were implemented as contemplated, no City election would be held in every third year, resulting in a cost savings of approximately \$20,000 per election not held. However, because of constitutional limitations, vacancies on Council must be filled by majority vote of the qualified voters rather than by appointment of the remaining Council. Accordingly, if a vacancy were to occur when a regular election were not scheduled, the City would incur costs of approximately \$20,000 per such election held.

**STAFF'S RECOMMENDATION**

Consider and discuss the Charter Review Commission's Final Report and consider authorizing any actions related thereto.

**Frank Simpson  
City Manager**



## Memorandum

**To:** Mayor and Council

**cc:** Frank Simpson, City Manager  
Bill Atkinson, Assistant City Manager  
Patrice Fogarty, City Secretary

**From:** Charter Review Commission

**Date:** December 2, 2008

**Re:** Charter Review Commission Final Report

### INTRODUCTION

City Council appointed the following five citizens to serve as Charter Review Commission members: Carl Bowles, Albert Glover, Scott Moseley, Roger Morris and Joe Workman. The Commission selected Joe Workman as its Chairperson. The purpose of the Commission was to review the charter in accordance with Section 11.13 to determine if any changes to the City's current charter were merited. The Commission has met several times and reviewed various issues related to the Charter. Additionally, the Commission reviewed the recommendations from the 2004 Charter Review Commission. The Commission's recommendations to the issues raised are divided into two parts: Section I--Revisions and Section II--No Revisions. At this time, The Commission recommends making certain Charter revisions as discussed further in Section I and thus proceeding with a Charter election. Additionally, the Commission recommends that the future Charter Review Commissions not address the issues contained in Section II of this Memorandum, unless so requested by City Council, City Staff or the public

## I. REVISIONS

The Charter Review Commission recommends presenting the following Charter amendments to the voters at the next regular City election.

1. Sec. 3.06. Vacancies, forfeiture, automatic resignation, filling of vacancies and Sec. 6.01. Elections to be held under this charter.

Because of the related subject matter, revisions to Sections 3.06 and 6.01 are considered as one proposal by the Commission. The Commission recommends increasing the terms of office for mayor and councilmembers to three years. Because the Texas Constitution provides that, when the term of the current office is greater than two years, an announcement or candidacy for another office constitutes an automatic resignation of the current office when more than one year remains on the term of the current office, Section 3.06C must be amended. The Commission recommends retaining the automatic resignation provision presently in the Charter when one year or less remains in the office holder's term when the announcement or candidacy occurs. Also, because the Constitution requires that vacancies must be filled by majority vote of the voters, Section 3.06D must be deleted.

Pros of amending the charter: Because the work of council is complex, longer terms afford members the opportunity to gain expertise and utilize such expertise in longer terms.

The proposed change would diminish the effort of constantly running for office.

If there were no election every third year, the city would realize a cost savings by conducting fewer elections.

Cons of amending the charter: The proposed change reduces the frequency of voter involvement and diminishes input in the democratic process.

Longer terms may increase the difficulty of removing ineffective members of council.

Because of length of time between elections, a member of council can make an unpopular decision or take an unpopular position and not face immediate consideration by the voters.

The constitutional requirement that vacancies be filled by election rather than appointment may result in additional expense to the City.

*Sec. 3.06. Vacancies, forfeiture, automatic resignation, filling of vacancies.*

C. Automatic resignation: If a member of the city council, ~~when one year or less remains on such member's unexpired term of office~~, shall become a candidate for election to the office of mayor or for any place on the city council other than the specific office or place the person is then holding, such announcement of candidacy shall constitute an automatic resignation of the office then held to be effective as of the date of the election to which such candidacy relates, unless such member of the city council resigns earlier in accordance with state law.

~~D. Filling of vacancies: A single vacancy in the council shall be filled within thirty (30) days of the occurrence of the vacancy by a majority vote of the remaining members of the council by selection of a person qualified for the position as described in this Charter. This appointee shall serve until the position can be filled at the next regular city election.~~

~~When more than one (1) vacancy shall develop at any one time, a special election shall be called by the council within thirty (30) days following the occurrence of the vacancies to fill the vacancies in the same manner as described herein for regular elections. However, if such vacancies occur within one hundred twenty (120) days of a regular election, then no special election shall be called and the remaining councilmembers shall appoint persons considered to be qualified to fill the vacancies until the regular election.~~

*Sec. 6.01. Elections to be held under this charter.*

B. Election of mayor. The mayor, ~~when and~~ after this section becomes effective, shall be elected at the general election ~~which the city council shall properly call to be held on the first Saturday in May, 1993,~~ in May 2010, and shall serve until the general election ~~which the city council shall properly call to be held on the first Saturday in May, 1994,~~ 2013, or until a successor has been elected and shall have qualified. ~~Thereafter, elections hereunder for the position of mayor shall be properly called by the city council to be held on the first Saturday in May of each even-numbered year.~~ The mayor shall serve for ~~two~~ three (23) years concluding with the election and qualification of a successor ~~in the next subsequent even-numbered year.~~ All elections for mayor shall be held in the manner provided by this charter and by the election laws of the State of Texas.

C. Election of two (2) councilmembers-at-large. The two (2) councilmembers-at-large, ~~when and~~ after this section becomes effective, shall be elected at the general election ~~which the city council shall properly call to be held on the first Saturday in May, 1994,~~ in May, 2010, and shall serve until the general election ~~which the city council shall properly call to be held on the first Saturday in May, 1996,~~ in May, 2013, or until their respective successors have been elected and

shall have qualified. ~~Thereafter, elections hereunder for the two (2) positions of councilmembers-at-large shall be properly called by the city council to be held on the first Saturday in May of each even-numbered year.~~ The councilmembers-at-large shall serve for ~~two~~three (23) year terms concluding with the election and qualification of their successors ~~in the next subsequent even-numbered year.~~ All elections for councilmembers-at-large shall be held in the manner provided by this charter and by the election laws of the State of Texas.

D. Election of four (4) district councilmembers. ~~The councilmember, District C~~Councilmember, District A, councilmember, District B, councilmember, District C, and councilmember, District D, after this section becomes effective, shall be elected at the general election ~~which the city council shall properly call to be held on the first Saturday in May, 1994,~~in May, 2011, and shall serve until the general election ~~which the city council shall properly call to be held on the first Saturday in May, 1995,~~in May, 2014, or until a successor has been elected and shall have qualified. ~~Councilmember, District A, councilmember, District B, and councilmember, District D shall be elected at the general election which the city council shall properly call to be held on the first Saturday in May, 1993, and shall serve until the general election which the city council shall properly call to be held on the first Saturday in May, 1995, or until a successor has been elected and shall have qualified. Thereafter, elections hereunder for councilmember, District A, councilmember, District B, councilmember, District C, and councilmember, District D shall be properly called by the city council to be held on the first Saturday in May of each odd-numbered year, and said~~ Each said councilmembers shall serve for a three (3) year terms concluding with the election and qualification of his ~~their~~ successors ~~in the next subsequent odd-numbered year.~~ All elections for district councilmembers shall be held in the manner provided by this charter and by the election laws of the State of Texas.

VOTE TO AMEND CHARTER: Ayes: 3                      Nays: 2

2. Section 11.13. Charter review commission.

The Commission recommended amending this provision to allow for Charter Review Commissions to be appointed at any time of the year rather than being restricted to the month of July.

Pros of amending charter: Proposed change would provide more flexibility in administering the CRC.

Cons of amending the charter: No cons were determined to exist.

The Commission proposed that the charter be revised to read as follows:

Section 11.13. Charter review commission.



The council shall appoint a charter review commission at least every four (4) years. The council shall appoint the first charter review commission after the adoption of this provision no later than July, 1981. ~~All~~ Each charter review commission ~~s shall be appointed in July and each~~ shall consist of five (5) citizens of the City of Missouri City.

VOTE TO AMEND CHARTER: Ayes: 5                      Nays: 0

3.     Section 7.01. Division of tax administration.

The Commission recommended changing the terminology of the description of the department of taxation to the department of finance.

Pros of amending the charter: Proposed change would modify language in the charter to more accurately reflect the structure of the Finance Department.

Cons of amending the charter: No cons were determined to exist.

The Commission proposed that the charter be revised to read as follows:

Article VII. Tax Administration

Section 7.01. ~~Division of t~~ Tax administration functions.

There shall be established ~~an office ( a department) of taxation to assess and collect taxes, the director of which shall be the city tax assessor and collector of finance which, among other responsibilities, shall be~~ responsible for overseeing the assessment and collection of taxes.

VOTE TO AMEND CHARTER: Ayes: 5                      Nays: 0

4.     Section 6.07. Canvassing election and declaring results.

The Commission recommended amending this provision to bring this charter provision into compliance with state law.

Pros of amending charter: Charter currently conflicts with state law. Proposed amendment will comply with state law.

Cons of amending the charter: No cons were determined to exist.

The Commission proposed that the charter be revised to read as follows:

Section 6.07. Canvassing election and declaring results.

The returns of every municipal election shall be delivered by the election judges to the city secretary or his or her agent not later than twelve (12) hours after the closing of the polls. The council shall convene to conduct the canvass of the returns by ordinance and in compliance with state law ~~not earlier than the second day or later than the sixth day after election day at the time set by the mayor.~~ The returns of every municipal election shall be recorded in the official election register of the city ~~minutes of the council~~ by precinct totals for each candidate or measure.

VOTE TO AMEND CHARTER: Ayes: 5                      Nays: 0

## II. NO REVISIONS

The following issues were discussed by the Commission and no changes were recommended:

1.     Section 11.13. Charter review commission.

The commission discussed amending this provision to extend the appointment period of a Charter Review Commission from every four years to a greater length of time. However, after discussion, it was determined to keep the language as it currently reads, as the Commission believed that at a minimum the charter should be reviewed every four years. (Please note that there was a recommended change to this provision as it related to the time of appointment of the Charter Review Commission located in Section II.)

Pros of amending charter: Proposed change would provide more flexibility in administering the Charter Review Commission.

Cons: Proposed change could potentially result in the charter not being reviewed as frequently as necessary to keep it updated.

The City is in a period of rapid growth and as such the charter should continue to be reviewed at a minimum every four years.

VOTE TO AMEND CHARTER:   Ayes: 0                      Nays: 5

2.     Section 3.09 Meetings of Council.

Section 3.09 of the charter provides that all meetings of the city council be held within the city limits. The Commission reviewed this provision to consider the possibility of allowing certain meetings to be held outside the city limits.

Pros of amending charter: Allowing meetings in Fort Bend County would allow joint meetings of the City Council with other governmental entities.

City Council may benefit from viewing certain developments outside the city to better consider the impact similar developments may have in the city.

It may be beneficial for the annual city council retreat to be held outside the city with a potential overnight stay to allow city council to better focus of the issues presented.

Cons of amending charter: Such a meeting could potentially be attacked as not being sufficiently accessible to the public under a Public Information Act analysis.

The Commission reviewed several Attorney General's decisions and in each case the opinion of the Attorney General was that a meeting outside of an entity's jurisdiction would not be legal. Council can appoint a committee if it is necessary to meet with another governmental entity or to review a development in another city.

VOTE TO AMEND CHARTER: Ayes: 0            Nays: 5

3.     Section 3.01. Elected officers, number, selection, term and qualifications.

The Commission discussed amending this provision to add one or more single-member district seats at the time of the annexation of the Sienna property into the City as an alternative to increasing the size of the current four (4) single-member districts. It was determined to take no action at this time, but the Commission did want Council to consider such a possible revision before the time of the annexations. No vote was taken on this issue.